



FloorPrep

Legislative Digest

Tuesday, July 27, 1999

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

*House Meets at 9:00 a.m. for Morning Hour and
10:00 a.m. for Legislative Business*

Anticipated Floor Action:

**H.J. Res. 57—Disapproving Normal Trade Relations Status for the People’s
Republic of China**

H.R. 2605—FY 2000 Energy and Water Development Appropriations Act

H.R. 2587—FY 2000 District of Columbia Appropriations Act

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**H.J. Res. 57—Disapproving Normal Trade Relations Status for the People’s
Republic of China**

Floor Situation: The House will consider H.J. Res. 57 as its first order of business today. On July 23, the House agreed to a unanimous consent request to provide three hours of general debate, equally divided between the chairman of the Ways & Means Committee (in opposition) and a member in support of the resolution. The agreement permits the House to consider the resolution under an expedited process that does not allow for amendments or a motion to recommit and waives all points of order against the resolution and its consideration.

Summary: H.J. Res. 57 rejects President Clinton’s decision to extend normalized trade relations (NTR) status for products from the People’s Republic of China for another year. On June 3, 1999, the president announced his intent to renew NTR trading status for China. The president’s action automatically extends China’s NTR status for one year, beginning July 3, unless Congress passes a joint resolution disapproving the extension within 60 days of the July 3 effective date. CBO estimates that enactment will increase revenues by \$507 million in FY 2000 (by increasing the tariff rates imposed on China’s exports to the U.S.). The resolution was introduced by Mr. Rohrabacher *et al.* and was reported adversely (*i.e.*, disapproved, but still moved to the House floor) by the Ways & Means Committee by voice vote on July 1, 1999.

Views: The Republican leadership opposes passage of H.J. Res. 57. The Clinton Administration also opposes passage of the joint resolution.

Additional Information: See *Legislative Digest*, Vol. XXVIII, #22, July 26, 1999.

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H.R. 2605—FY 2000 Energy and Water Development Appropriations Act

Floor Situation: The House will consider H.R. 2605 after it completes consideration of H.J. Res. 57. Yesterday, the Rules Committee granted an open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives House rules requiring that committee reports be available for three days before consideration, as well as rules prohibiting unauthorized or legislative provisions in an appropriations bill. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. It permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2605 appropriates \$20.2 billion in new budget authority for FY 2000 for the Department of Energy and related programs, \$880 million less than in FY 1999 (this includes \$664.7 million in emergency supplemental spending) and \$1.4 billion less than the president's request. The vast majority of the bill's funding, \$15.5 billion, is allocated to various programs run by the Department of Energy (DOE), \$1.5 billion less than both the FY 1999 level and the president's request.

The measure appropriates \$4.2 billion for the Army Corps of Engineers, \$91 million more than in FY 1999 and \$283 million more than the president's request, to maintain and expand the nation's waterway, flood control, and irrigation infrastructure. The bill allocates \$822 million to the Interior Department, mostly for the Bureau of Reclamation, and \$84 million for related independent agencies.

The bill withholds \$1 billion in appropriated operating funds for DOE until after June 30, 2000, allowing Congress to enact legislation to restructure DOE's national security programs or creates an independent agency. The funding is being withheld because the committee believes that the department's confusing field structure and overlapping lines of responsibility have created an organization with ineffective management, little accountability, and high costs.

CBO estimates that enactment of H.R. 2605 will result in discretionary outlays of \$12.1 billion in FY 2000, \$6.3 billion in FY 2001, \$1.3 billion in FY 2002, \$83 million in FY 2003, and \$205 million in FY 2004 and beyond. The Appropriations Committee reported the bill by voice vote on July 20, 1999.

Views: The Republican leadership supports passage of the bill. The Clinton Administration strongly opposes the bill in its current form. Specifically, the administration opposes (1) legislative language regarding the wetlands program; (2) reductions to the solar and renewable energy accounts; and (3) reduced funding for the Spallation Neutron Source (SNS).

Amendments: The *Legislative Digest* was aware of the following amendments at press time:

Mr. Cook may offer an amendment (#1) to cut \$40 million from Department of Energy Programs (Energy Supply) and \$13.2 million from DOE administrative accounts. Additionally, the amendment increases

appropriations to (1) DOE's Science funding by \$6 million; (2) DOE's Defense Environmental Restoration and Waste Management fund by \$10 million; (3) DOE's Other Defense Activities account by \$2 million; and (4) DOE's Energy Supply program by \$5 million. **Contact: x5-3011**

Mr. Pombo may offer an amendment (#2) to reduce \$150,000 from the Army Corps of Engineers General Investigation account designated for the Stockton Metropolitan Area, and increase the General Construction account by an equal amount to reimburse the Stockton Metropolitan Area Flood Control Project. **Contact: x5-1947**

Mr. Visclosky may offer an amendment (#3) to eliminate provisions that allow a public or private entity to appeal a jurisdictional determination before applying for a Section 404 wetlands permit. Currently, Section 404 of the Clean Water Act requires that a property owner must go through a permit process to develop land if the Army Corps of Engineers determines that the property is a wetland. Only after the process is complete can the owner can file an administrative appeal. The bill contains language to allow public and private entities to determine through an administrative appeals process whether a permit is even necessary; thus, the bill language allows public and private entities to challenge the jurisdictional determination by the Corps before the permit process begins. If the administrative appeal upholds the initial determination, the public or private entity may appeal the decision in federal court before applying for a permit from the Corps.

Additionally, the amendment eliminates bill language requiring the Corps to undertake studies and report to Congress on the cost and workload impacts before implementing new permits to replace the current Nationwide Permit 26 (NWP 26), which allows the filling of wetlands smaller than three acres. Opponents of the amendment argue that the regulatory reforms in the bill promote sensible procedural reforms to an expansive and time-consuming permit application process that burdens local governments and strips their decision-making authority. Supporters counter that the current bill blocks new wetland regulations that limit wetland destruction and will lead to more litigation by letting developers sue the federal government more often and more quickly. **Staff Contact: John McNutt, x5-2461**

Mr. Salmon and Mr. Udall (CO) may offer an amendment to restore the Renewable Energy Research programs to \$325.4 million (a \$46 million increase), three percent below its FY 1999 level of \$336 million (the FY 2000 appropriation is \$279.4 million). To offset this increase, the bill cuts (1) \$3.2 million from Energy Programs—Science; (2) \$35 million from Atomic Energy Defense Activities—Weapons Activities; (3) \$3.6 million from Atomic Energy Defense Activities—Defense Environmental Restoration and Waste Management; and (4) \$15 million from Atomic Energy Defense Activities. **Staff Contact: Lindsay Humble (Salmon), x5-2635**

Additional Information: See *Legislative Digest*, Vol. XXXIII, #22, July 23, 1999.

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H.R. 2587—FY 2000 District of Columbia Appropriations Act

Floor Situation: The House may consider H.R. 2587 after it completes consideration of H.R. 2605. Appropriations bills are privileged and may be considered any time three days after they are filed. Yesterday, the Rules Committee granted an open rule providing one hour of general debate, equally divided

between the chairman and ranking member of the Appropriations Committee. The rule waives all points of order against consideration of the bill. It waives House rules prohibiting consideration of unauthorized or legislative provisions in an appropriations bill, new entitlement authority or measures within the Budget Committee's jurisdiction, as well as requirements that committee reports be available for three days before consideration. The rule specifically makes in order four amendments and waives all points of order against them. It also accords priority in recognition to members who have had their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a proposed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2587 appropriates \$453 million for the federal payment to the District of Columbia (D.C.), \$59.3 million more than the president's request and \$230.6 million less than FY 1999 (included in the FY 1999 appropriations bill was \$64 million in emergency funding for Y2K conversion). This funding pays for the operation of the Nation's Capital, D.C. correctional activities, and D.C. courts. Of this amount, the bill provides (1) \$183 million for the Corrections Trustees operations; (2) \$100.7 million for operating city courts; and (3) \$17 million for the D.C. Resident Tuition Support program. Finally, the bill approves the \$6.8 billion District budget (including \$1.4 billion for a six-year capitol outlay program), \$4.3 million less than FY 1999 and \$40.6 million more than the president's request.

The bill also:

- * makes permanent the authorization for charter schools, allows charter schools access to funds for construction and repair of elementary and secondary schools, and allows preference for siblings of charter school students in the admissions process;
- * prohibits the use of federal funds for needle exchange programs;
- * provides \$8.5 million to create incentives to adopt children in the District's foster care system;
- * provides \$33.3 million for a new appropriation account for attorney programs for indigent defendants, child abuse, and guardianship cases administered by District courts;
- * provides \$150 million for a budget reserve, as required by the FY 1999 D.C. Appropriations Act (*P.L. 105-277*), to prevent the District from budget deficit;
- * prohibits federal funds from being used to sue Congress for voting representation;
- * continues to prohibit the use of any federal or district-raised funding to provide abortions, except in the case of rape, incest, or danger to the mother's life;
- * caps the hourly rate of compensation at \$50 for attorneys who represent a party in litigation against brought against the District of Columbia Public Schools under the Individuals with Disabilities Act; and
- * ratifies the Tax Parity Act passed by the D.C. City Council. This local measure provides \$59 million in tax relief for D.C. residents.

CBO estimates that enactment of H.R. 2587 will result in outlays of \$444 million for FY 2000 and \$5 million for FY 2001. The bill does not affect direct spending, so pay-as-you-go procedures do not apply. The Appropriations Committee reported the bill by voice vote on July 22, 1999.

Views: The Republican leadership supports passage of the bill. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: As stated above, the rule specifically makes in order the specified following amendments to H.R. 2587, each debatable in the order listed and the amount of time specified below. At press time, *Legislative Digest* was unaware of any other amendments to the bill:

Mr. Tiahrt may offer an amendment, debatable for 30 minutes, to prohibit federal and District funds from being spent on any program to distribute hypodermic needles for the purpose of illegal drug injection. The amendment prevents payments from being given to any persons or entities that carry out such programs. **Contact: x5-6216**

Mr. Largent may offer an amendment, debatable for 30 minutes, to prohibit joint adoptions in the District of Columbia by persons who are not related by either blood or marriage. **Contact: x5-2211**

Mr. Bilbray may offer an amendment, debatable for 20 minutes, to prohibit minors within the District of Columbia from possessing tobacco products. It establishes penalties for possession of \$50 for the first violation, \$100 for the second, and suspended driving privileges within the District for the third and each subsequent violation. **Contact: x5-2040**

Mr. Barr may offer an amendment, debatable for 20 minutes, to prohibit the use of funds in the bill to legalize or reduce penalties for the possession, use, or distribution of any Schedule I substance under the Controlled Substances Act or any tetrahydrocannabinol derivative (e.g., marijuana). **Contact: x5-2931**

Additional Information: See *Legislative Digest*, Vol. XXVIII, #22, July, 23, 1999.

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